(10)

8-22-85

VICTOR ATIYEH
Governor

Department of Environmental Quality

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE: (503) 229-5696

August 22, 1985

Mr. Stan West
Van Waters and Rogers
Division of Univar
Box 10287
Portland, OR 97210

Dear Stan:

I am sending you the results of the site inspection that Janet Gillaspie, Greg Baesler and I performed. These results are preliminary; (draft) therefore, the final site inspection report could contain more or less violations than stated in this report.

I am doing this as a courtesy to you so you will have as much time as possible to correct the violations that are listed in the report. Formal enforcement action will be coming later. Since you also requested (per telephone conversation of 8-16-85) that I perform a preliminary review of your Part B submittal, I am sending these results for the purpose of guiding you. These results will give you an idea of what areas need closer attention and improvement so they will be acceptable as a Part B submittal.

If you have any questions, please feel free to call.

Sincerely,

Laura Hamilton

Laura Hamilton
Hazardous Waste Specialist
Hazardous and Solid Waste Division

LH:f
ZF190
Enclosure

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

INTEROFFICE MEMO

TO: Rich Reiter

DATE: July 25, 1985

FROM: JAGillaspie JAG

SUBJECT: HW - Van Waters & Rogers
ORD 009227398
Multnomah County

Attached is the inspection write up, including photographs, for the hazardous waste inspection conducted at Van Waters & Rogers in Portland on May 13, 1985.

Numerous violations were noted during the inspection, and the office follow-up to the inspection. These are summarized on pages 11, 12 and 13 of the inspection write up.

We would recommend that a Notice of Intent to Assess Civil Penalties be issued to Van Waters & Rogers for the violations found during the inspection, and that the company be placed on a 30-day schedule to correct the violations. Since this was an EPA oversight inspection, we will wait to hear from EPA prior to moving on these violations. Please forward this inspection write up and documentation for their review and comment.

JAG/emc
Attachments

DEQ 4

ENFORCEMENT REFERRAL

Department of Environmental Quality

1. Parties responsible for the violation. Names, addresses, identify position (if company or city) or violator status, e.g., owner, renter, lessee, etc. (If individual).

C.T. CORPORATION
REGISTERED AGENT
VAN WATERS & ROGERS
(ASSUMED BUSINESS NAME
FOR UNIVAR, A DELAWARE CORP.)
800 PACIFIC BLD.
PORTLAND. OR 97204

2. Location of Violation. Section ___, Township ___, Range ___, Tax Lot ___. (If individual)

Other 3950 NW YEON
PORTLAND. OREGON

3. Recommended Action.

☑ Civil Penalty Warning Notice. ☐ Civil Penalty Assessment

☐ Other ___

4. Complete the following if you recommended civil penalty action:

☐ Assess minimum penalty. ☐ Assess penalty greater than minimum.

I offer the following aggravating factors in support of a penalty greater than the minimum: (Refer to OAR Section 340-12-045. Complete Item II on back if the aggravating factor is a prior violation that did not receive legal enforcement action).

cc: Jack Johnson
VWR
3950 NW Yeon
portland. OR

July 29, 1985 — Date
— Investigator
7/29/85 — Date
— Reviewer

STATE OF OREGON

DEPARTMENT OF ENVIRONMENTAL QUALITY INTEROFFICE MEMO

TO: File DATE: June 25, 1985

FROM: Janet A. Gillaspie

SUBJECT: Hazardous Waste Inspection
Van Waters and Rogers
Hazardous Waste Compliance Inspection
ORD 009227398
HWTF-5

Van Waters and Rogers was inspected for compliance with hazardous waste regulations Oregon Administrative Rules (OAR) 340 Division 102, Hazardous Waste Treatment-Collection Site License (HWTF-5) and 40 CFR 265 on May 13, 1985. Attending were Greg Baesler and Laura Hamilton for DEQ, Wayne Pierre for EPA, and myself. Company representatives were Jack Johnston, area manager, Stan West, area operations manager, Helena Knight, industrial chemicals and solvents, and Wynne Perryman, chemist.

Johnston began the inspection by explaining the major functions of Van Waters and Rogers. These include:

1. Recycling Solvents

VWR operates under a DEQ permit (HWTF-5) to store and treat (recycle) some solvents. The solvents which are approved for recycling under DEQ permit HWTF-5 are:

a. perchloroethylene
b. trichloroethylene
c. methylene chloride
d. 1,1,1-trichloroethane

These are recycled back into technical grade quality solvents. Inhibitors are added to make them technical grade, either DOW or PPG patented processes. Solvents which cannot be recycled into technical grade degreasers are mixed together and marketed as Vanscope, a cold degreasing solvent. About 10 percent of the solvents received for recycling at the facility end up as Vanscope.

Still bottoms (i.e., oil, paint, dirt) are one waste stream from this process. Still bottoms were said to be shipped to McClary-Columbia, a TSD in Washougal, Washington, and then to the Kettleman Hills, California, facility for incineration. The still bottoms for incineration are transported by VWR in drums.

2. Hunt Etchants

Another waste stream managed by the VWR Portland facility are Hunt Etchants. Hunt Etchants are corrosive agents used to remove copper

in high-tech industry. The formulation includes ammonium chloride with the addition of EDTA and thio-urea. The Hunt Etchants are considered spent when they have taken up a given amount of copper. All Hunt Etchants are returned to the Hunt facility at Union City, California, for recovery of copper and marketing of ammonia as fertilizer. The facility ships about 80 drums every 6 weeks of this material.

3. Fluorinated Hydrocarbons (Freon)

VWR formulates and sells azeotroped versions--methyl alcohol, nitro methanol, and methylene chloride. These solvents are used as the final rinse bath for the electronics industry. VWR collects about 40 to 50 drums every 2 months and manages them through McClary-Columbia of Washougal, Washington.

4. Flammable/Ignitable

These wastes are generated by companies such as Willamette Industries and Skyline Products. Johnston told us VWR tries to transport ignitable wastes to McClary-Columbia soon after their arrival. Some flammable waste also comes from the other VWR facilities in Oregon (Eugene and Medford).

5. Miscellaneous

These are abandoned unmarked drums, usually a unique occurrence, where drums have been found and need to be properly disposed of. These would be in small quantities and arrive without manifesting or labeling.

6. Plating Wastes

These include the electronic industry wastes. They are generally liquid and classified as corrosive. VWR receives 5 to 6 drums at a time per generator. Facilities generating this type of waste stream complete a waste profile sheet supplied by Chem-Security Systems, Inc. (CSSI). VWR acts as a transfer facility, storing in excess of 10 days at times, and CSSI makes a truck load up from the VWR facility. VWR tries to empty the drum storage area of this type of waste every quarter shipping off about two 80-drum truck loads. They consolidate manifests from various companies on a VWR manifest and ship to CSSI. The manifests are cross-referenced.

7. Mixtures of Virgin Material

This group of wastes include "mistakes" and off-spec products. There were 6 to 7 drums of this type of material at the time of the inspection. The management practice is to perform an analysis, try to recycle and reuse as much as possible, or to ship to CSSI for disposal.

The plant has many underground and above ground storage tanks, equaling 835,000 gallons of bulk storage. VWR told us that none of these tanks are used for waste storage, although four of the tanks were designated as possible waste tanks when the Part A was filed (Tanks 28 to 31).

Johnston told us the facility has had two spills in the past four years. One was a methylene chloride spill which occurred during a DEQ inspection; the other involved TCE and was said to have been caused when a sight gauge tube failed.

Johnston reported no leaks or other product spills.

INSPECTION

We started our inspection of the facility at the laboratory. Johnston told us that the lab uses waste analysis techniques which are more sophisticated than are reflected in the waste analysis plans. The lab uses a Gas Chromatograph to scan all wastes received for treatment. These are hand matched. When there is any question or wastes do not appear as expected, a Fourter Transformer Infrared Spectroscope is used. Metals are checked with an atomic absorption unit.

We then went to the drum storage area. Over 400 barrels were in storage. Several barrels of Hunt Etchant were in storage awaiting shipment to Hunt Chemical in Los Angeles, California.

The drum storage area slopes to a concrete trench that conveys liquids to a sump located in front of the still area. This sump is an inverted oil/water separator, i.e. liquid exits from the top. The liquid was about 18 inches below the surface of the asphalt at the time of the inspection. (Stan West told the Department the sump discharges to a storm sewer.) The sump was paid to be pumped out about every 6 months by Crosby Overton; the contents are drummed for analyses and disposal.

The still is located to the south of the hazardous waste storage area. Solvents for recycling are removed from barrels and dumped into a 800-gallon "dump tank" that feeds into the still. Johnston told us the feed rate was 500 to 800 gallons per day. There is no inspection log for the still area. A fire extinguisher is located next to the still. The building where the still is located is posted with a sign legible from 25 feet that reads "Danger, no unauthorized personnel" and there is a telephone in the building housing the stills that can be used for alerting other company personnel to any problems in the still area.

Wynne Perryman told the Department the still bottoms are checked "periodically" prior to shipment to CSSI for disposal. At the time of the inspection, six barrels containing still bottoms were accumulated next to the still. Five barrels were properly labeled, including accumulation start date. One barrel had no label. Those barrels labeled were all stored for less than 90 days. The still operator told us that the barrel containing sludge had been labeled when it was put in the drum, but the

label must have fallen off. There were no indications to substantiate this statement. The operator told us the area had last been inspected on Friday.

Barrels are numbered when they reach the VWR facility for internal tracking. We took down several numbers from barrels, and asked VWR personnel to identify the generator and type of material in the drum in the storage area from the internal numbering system. The numbers pulled were:

# Pulled	Generator	Manifest #	Waste
5907	ITT Phillips	5912	tri
7524	Wah Chang	3706	did not record
5769	Sentrol	1593	freon
6494	VWR - 1.A.	00007	did not record
6990	VWR - Kent	2698	labeled as freon, is tri
5339	Gerber	082184	perc

Helena Knight told us a VWR customer represented a waste (internal number 6990) as freon to VWR-Kent. VWR-Kent tested the waste and found it to be trichloroethane (TCE) but shipped it to VWR-Portland as freon. VWR received the waste, retested it and found it to be TCE. No manifest discrepancy report was filed by VWR-Portland.

In the storage area, several drums did not have the accumulation start date marked on the drums. Labels with no accumulation start date included:

University Mech
4111 NE 12
Vancouver, WA
Manifest B 552
VWR 9184

Thomas Hartig and Associates
2720 South Hardy
Tempe, AZ
(also no manifest number)

Oregon State Highway Division
Eugene, OR
Manifest 5936
VWR 5104

The Carlton Company
ORD 009759 085
3901 SE Naef Road
Milwaukie, OR

Sentrol
10831 SW Cascade
Portland, OR
Manifest 1593
VWR 5769

(In the Department's inspection report of October 10, 1983 under "Items To Be Corrected," labeling violations were noted. Written correspondence to individuals within VWR and to Teledyne Wah Chang was made by VWR concerning labeling.)

The company stated that the concrete pad area was the TSD boundary. Security was provided by overall plant security during the day.

Storm drains have valves, but are normally kept in the open position. The drain under the truck loading area discharges to a storm drain. The drum fill area (filling from railroad tank cars) had a separate sump, that was reported to be neutralized and pumped to the sanitary sewer.

The company rinses out "empty" acid drums it receives back for refilling. The drums returned have contained sulfuric acid, nitric acid, hydrochloric acid, sodium hydroxide, and potassium hydroxide. The barrels contain deminimus amounts of material (less than one inch). The rinsings are drained into a concrete tank (approximately 6 feet X 9 feet X 2 feet), neutralized and discharged to the sanitary sewer via a pump. A field pH test indicated the material in the tank at the time of inspection was about pH 1.

The company also has a tank similar to the rinse tank in the drum fill area. Product spillage of corrosives and rinsings are directed to the tank, the contents neutralized and then it is pumped to the sanitary sewer.

A pH meter recently installed at the request of the City of Portland to monitor discharge to the sanitary sewer registered a pH of over 10. Several hours earlier the pH registered around 2 on the recording graph paper. This indicates some process/leakage problems which should be followed up.

Back in the office, we discussed several items with the company representatives. Stan West of VWR indicated that inspections were done monthly; are part of the safety committee's regular duties. He showed us a copy of the monthly inspection report, which included some RCRA items. There was no additional inspection log. The company had no personnel training program. All training was on the job, and there was no documentation of the training. There is no program to train the individual(s) responsible for training others.

Contingency Plan

Johnston was asked if the contingency plan was used in response to previous spills. Johnston told us "Can't say it was used, everything proceeded okay." The fire extinguishers were reported to be tested each year by a private firm. The fire alarm is tested each month according to VWR.

Security is provided by a private firm. The firm inspects the facility twice per night, on a varying schedule. These security guards have no hazardous waste or contingency plan training. The guards only document "everything is fine with exceptions."

There is no biological or chemical environmental monitoring program as required in Condition B22 of the hazardous waste permit.

The sump, installed at the request of the DEQ and for which DEQ was said to have approved plans, has a 1,000 gallon capacity. It is intended to hold the contents of three 55-gallon drums should they fail. The sump is not included on the inspection list, and is pumped by a private firm when the still operator feels it is necessary. It was last pumped April 19, 1985 and an analysis was said to occur prior to pumping. The private firm pumps the waste into drums, and the company's routine waste analysis plan is followed. (In the Department's inspection report of October 10, 1983 under "Items To Be Corrected," it was stated, "sampling of the A.P.I. inverted separator (sic) shall be weekly ..." In a letter dated October 31, 1983 to the Department and signed by Stan West, West acknowledged receipt of the October 10, 1983 inspection report and stated "Sampling is now performed weekly as suggested.")

Additional information supplied by the operator of the still showed that drum logs are kept daily. These daily logs document that the condition of the permit which limits the amount of "unrecyclable" and "sludge" wastes have exceeded the permit limit of 105 for several months. The company does not presently separately track the 105 drum limit outlined in the DEQ permit.

(In a subsequent discussion with Richard Reiter, Manager of Hazardous Waste Operations, concerning the intent of condition B17, Reiter explained the 105 drums is to include all wastes determined to be untreatable by VWR-Portland including still bottoms generated at the site.)

The still operator's log documenting that the unrecyclable and sludge barrels had exceeded the 105 limit showed the following inventory:

	Corrosive/Disposal	Sludge
April 17, 1985	65 barrels	55 barrels
April 18, 1985	65	57
April 19, 1985	65	57
April 20, 1985	65	60
April 21, 1985	65	60
April 22, 1985	8	60

We also discussed the permit expiration date of January 1, 1986 of the DEQ permit for VWR and the need to resolve the regulatory status of VWR if their Part B is not called prior to the first of 1986.

Personnel Training Program

The facility did not have a documented training program. Mr. West stated the current practice consisted of a person-to-person on-the-job training, and the plan requirement was in the preparatorial work for their Part B submittal.

The training program mailed to DEQ on May 28, 1985 is inadequate. It did not include:

1) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment.

2) Key parameters for automatic waste feed cut-off systems.

3) Response to groundwater contamination incidents.

4) How this training program is designed to meet actual job tasks.

5) A schedule for annual review of the initial training.

This program was not designed such that the employees would be able to respond effectively to emergencies of all kinds.

Preparedness and Prevention Plan

The procedures should address the requirement of "whenever hazardous waste is being poured, mixed, spread or otherwise, all personnel involved in the operation must have immediate access to an internal alarm or emergency communication device, either directly or through visual or voice contact with another employee."

The procedures did not address: 1) internal communications or alarm system capable of providing immediate emergency instruction, and 2) water at adequate volume and pressure to supply water hose streams.

The procedures should include testing and maintenance of the facility communications or alarm systems, fire protection equipment, and spill control equipment.

The procedures should include maintaining enough aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency.

The procedures should include arrangements made with the following organizations:

1) police department
2) fire department
3) emergency response team
4) state emergency response team
5) emergency response contractor
6) equipment suppliers
7) local hospitals

These organizations are to be sent a contingency plan and a letter requesting assistance in emergencies. VWR should receive letters back from these organizations either accepting or refusing to assist. Where the local authorities decline to enter into such arrangements, the facility

must document the refusal in the operating records. The organizations that have not declined these arrangements must give a documentation of their acceptance. These arrangements are described in 40 CFR 265.37.

VWR did have a telephone in the outside area by the still.

There was a fire extinguisher easily accessible to the area, where the still and drums were.

VWR told us they have contacted the City of Portland Fire Bureau concerning arrangements for emergency response and has sent them a copy of its present contingency plan. VWR told us the Fire Bureau could not find their copy recently so the facility is sending them another copy.

Contingency Plan

The facility's contingency plan did not contain an emergency equipment list or information on the equipment's capabilities, location or description.

The facility's personnel stated that the contingency plan is shown and explained to each new employee as part of their on-the-job training.

The contingency plan did not contain routes and alternate routes of evacuation.

Closure Plan

In the facility's closure plan, the number of drums containing still residue was stated as 165 which is different than the 105 drum limitation of "untreatable waste or treated waste residue" on their license (HWTF-5).

The closure plan included the disposal of only 165 drums, and the transportation of 500 drums back to the customers. VWR made the assumption that they could distill all of the treatable waste. This is not a reasonable assumption. Several events could happen that would prevent the waste from being recycled and returned back to the customers, such as:

1) the still could quit working or be destroyed.
2) the customers could refuse the chemicals at that time.
3) the waste is distilled but is not as pure as needs to be for the use of the customers.

The closure plan does not reflect any of these possible events, and it should. The present closure plan is a "best" case closure. The closure plan must document information that can substantiate VWR's closure plan.

Closure Cost Estimate

The closure cost estimate has not been updated for the last three years.

The closure cost estimate reflects the "best" case closure and not a realistic closure as discussed in the closure plan section.

Insurance

The facility does maintain liability insurance for sudden occurrences in the amount of $1 million/occurrence with an annual aggregate of $2 million. The facility demonstrates coverage by a certificate of liability insurance.

Since the facility does not claim a surface impoundment, landfill or land treatment, the facility does not need to maintain liability insurance for non-sudden occurrences.

Financial Assurance

The facility did maintain closure assurance for the amount of $16,000, by the use of closure insurance and the financial test and corporate guarantee for closure.

The face amount of policy is not the amount of just the Oregon facility, but all the "sister companies" too, and it has not been updated in the last 3 years.

The "effective date" is October 6, 1982.

Manifest Review - Generator

An in-office review of a representative number of manifests designating Van Waters and Rogers as the generator was conducted and the following violations were noted:

1. Manifest document number 5985.

    a. Item 11. The proper hazard class is flammable liquid not flammable as described.
    b. Item 13. The total of waste described in line "a" has not been entered.

2. Manifest document number 00389.

    a. Item 13. The total of waste described in line "a" has not been entered.
    b. Item 14. This block was left blank. It must be filled in.

3. Manifest document number 83347622.

    a. The generator ID number is incorrect. The ID number is listed as ORD 009229398; the correct generator ID number is ORD 009227398.
    b. The proper shipping name is incomplete, abbreviations should not be used and the word liquid is not required. Reportable quantity (RQ) was not included. A complete proper shipping name includes the RQ where indicated in 49 CFR 172.101.

4. Manifest document number 110784 (the number 5803 has been scratched out).

   a. Item 3. The generator's address is not legibl .
   b. Item 9. The designated facility's name is not complete.
   c. Item 11(a). The waste's proper shipping name is listed as hazardous waste liquid NOS. The word "freon" is written over the proper shipping name, and in Item 1 the EPA waste code is listed as F001. If the waste is known it must be described in the proper shipping name.

5. Manifest document number 83347625.

   a. The proper shipping name is incomplete; abbreviations should not be used and the word liquid is not required. A complete proper shipping name includes the reportable quantity (RQ) where indicated in 49 CFR 172.101.

6. Manifest document number 5808.

   a. Item 1. This block was left blank. It must be filled in.
   b. Item 11(b). The words "(material from VWR Kent)" are not relevant to the information required in this block.
   c. Item 11(b). The word "freon" is hand written in this block. If the proper shipping name is known it should be used (assuming this is to be a description for Item 11(a) and the EPA waste code is known).

7. Manifest document number 0391.

   a. Item 17. Transporter 1 did not enter the date acknowledging receipt of the waste.

8. Manifest document number 5863.

   a. Item 9. The designated facility's name is not complete.
   b. Item 11(a). Reportable quantity (RQ) was not included. A complete proper shipping name includes the RQ where indicated in 49 CFR 172.101.

Manifest Review - TSD Facility

An in-office review of a representative number of manifests wherein Van Waters and Rogers signed off as the TSD facility and the following violations were noted:

1. Manifest document number 0043-A.

   a. Shipment originated from Aeroscientific Corporation. The designated TSD facility was Hunt Chemical of Los Angeles, California. The manifest was signed off by Bob Bauman--a Van Waters and Rogers employee.

2. Manifest document numbers 12, 112784, 0041A, 5888, S066470, 5996, and others.

   a. The generator in each of these designated a TSD facility other than Van Waters and Rogers. Nonetheless, Van Waters and Rogers signed off on the manifest.

3. Manifest document numbers 122884-1, 1985-1, 11685-1 and others.

   a. The generator in each of these designated a TSD facility other than Van Waters and Rogers and designated Van Waters as an alternate TSD facility. Although there is no documented emergency situation, Van Waters and Rogers signed off as the receiving TSD facility.

It appears as though all manifests that are used at this facility are managed as one and that the separate activities that this facility engages in (i.e., generator, transporter, and TSD facility) are not separately filed.

Violations

1. The closure cost estimate was not adjusted every year per the requirements of 40 CFR 265.142(b).

2. The aisles between the drums were too small, which does not fulfill the requirements of 40 CFR 265.35.

3. The Contingency Plan was not adequate. Per the requirements of 40 CFR 265 Subpart D, it lacks:

   a) an emergency equipment list,

   b) the emergency equipment location, description and capabilities,

   c) routes and alternative routes of evacuation, and

   d) procedures to be used to respond to tank spills or leakage, including procedures and timing for expeditious removal of leaked or spilled waste and repair of the tank.

4. The Waste Analysis Plan was not adequate. Per the requirements of 40 CFR 265.13, it lacks:

   a) identification of wastes to be managed,

   b) process tolerance limits,

   c) waste parameters to be monitored, and

   d) procedure dealing with waste sampling, analysis, and Quality Assurance/Quality Control.

5. The inspection of the drum storage area should be inspected weekly whereas it has been inspected only monthly. This does not meet the requirements of 40 CFR 265.174.

6. The facility did have an Inspection Schedule Plan and Log, but it was inadequate. Per the requirements of 40 CFR 265.15, it lacks:

   a) inspection for facility malfunction, deterioration, operator error and discharges,

   b) inspection for inspecting monitoring, safety and emergency equipment,

   c) identification of types of problems to look for during inspections,

   d) solutions or remedies to "problems,"

   e) inspection summaries, and

   f) inspection logs with all required information.

7. The facility had a Training Program, but it was inadequate. Per the requirements of 40 CFR 265.16, it lacks:

   a) procedures for using, inspecting and repairing emergency and monitoring equipment,

   b) key parameters of automatic waste feed cut-off systems,

   c) response to groundwater contamination incidents,

   d) how the training program is designed to meet actual job tasks, and

   e) annual review of training.

8. The facility had Preparedness and Prevention procedures but they were inadequate. Per the requirements of 40 CFR 265 Subpart C, it lacks:

   a) proper equipment (internal communication and water),

   b) testing and maintenance of communication and alarm systems and emergency equipment,

   c) maintenance of proper aisle space, and

   d) arrangements made with emergency responders.

9. The facility did not have emergency equipment (fire extinguishers and alarm) accessible to the area where the still and drums are located, as required in 40 CFR 265.32.

10. The facility was storing more drums than the permitted amount (105) of "untreatable waste or treated waste residue."

11. The facility did not follow the correct procedure on manifesting waste on several drums of waste, as required in OAR 340-102, Subpart B.

12. The facility had a spill which they apparently were unaware of and did not report. The spill was discovered by the inspectors. This violates OAR 340-108-020.

13. The drums were not maintained in good condition. There were drums leaking. Bad conditions of hazardous waste drums violates 40 CFR 265.171.

Recommended Enforcement Action

Violations #2, #3, #4, #5, #6, #7, #8, #9, #10, and #12 are classified as Class I violations according to DEQ's Enforcement Response Policy. Violations #1 and #11 are classified as Class II. Therefore, I recommend that DEQ send Van Waters and Rogers a 5-day warning letter requesting all items be brought into compliance within 30 days.

JAG:d
RD1823